



National Aeronautics and
Space Administration

Principal Center for Regulatory Risk Analysis and Communication

Regulatory Tracking Summary

04 June – 15 June 2007

This report summarizes regulatory items reviewed by the NASA RRAC PC during the timeframe. Items that appeared to have limited interest to the NASA community, or are provided for information only, are shown in light gray text. Notes and comments by the RRAC PC are shown in bold, blue text under "Description." Related documents and citations, such as "71 FR 51967," are linked to the appropriate document for quick access. Suggested follow-up actions are noted with significant items; users are advised that other follow-up actions may be appropriate for their program or facility.

Previous issues of this regulatory summary are archived on the RRAC PC website at <http://www.rracpc.org>. Comments, questions, suggestions, and requests for further information should be directed to the RRAC PC Lead, Sharon Scroggins/MSFC at 256-544-7932 (sharon.scroggins@nasa.gov).

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Acronyms

2-MEA = 2-Methoxyethanol acetate
 alpha-HCH = Alpha-hexachlorocyclohexane
 ANPRM = Advance Notice of Proposed Rulemaking
 AQIP = Air Quality Investment Program
 AQMD = Air Quality Management District
 ATV = All-terrain vehicle
 beta-HCH = beta-hexachlorocyclohexane
 CAA = Clean Air Act
 CAIR = Clean Air Interstate Rule
 CARB = California Air Resources Board
 CAS = Chemical Abstract Service
 CCR = Consumer Confidence Report
 CFR = *Code of Federal Regulations*
 COE = U.S. Army Corps of Engineers
 COMAR = Code of Maryland Regulations
 CU = Clean unit
 CWA = Clean Water Act
 DEA = Drug Enforcement Administration
 DMA = Marine distillate fuel A
 DMX = Marine distillate fuel X
 Eagle Act = Bald and Golden Eagle Protection Act
 ECF = Emission-comparable fuel
 EGU = Electric generating unit
 EPA = U.S. Environmental Protection Agency
 EPCRA = Emergency Planning and Community Right-to-Know Act
 F.S. = Florida Statutes
 FAW = Florida Administrative Weekly
 FDEP = Florida Department of Environmental Protection
 FMR = Federal Management Regulation
 FPMR = Federal Property Management Regulations
 FR = *Federal Register*
 GSE = Ground support equipment
 GTF = Goldstone Tracking Facility
 HAP = Hazardous air pollutant
 HBB = Hexabromobiphenyl
 HGB = Houston-Galveston-Brazoria
 HTML = Hypertext Markup Language
 IPCC = Intergovernmental Panel on Climate Change
 IRIS = Integrated Risk Information System
 KSC = Kennedy Space Center
 MACT = Maximum achievable control technology
 MAF = Michoud Assembly Facility
 MGO = Marine gas oil
 MSFC = Marshall Space Flight Center
 NAAQS = National Ambient Air Quality Standards
 NASA = National Aeronautics and Space Administration
 NESHAP = National Emission Standards for Hazardous Air Pollutants

NOx = Nitrogen oxide
 NPDES = National Pollutant Discharge Elimination System
 NPRM = Notice of Proposed Rulemaking
 NSR = New Source Review
 NSRL = No significant risk level
 OAC = Ohio Administrative Code
 OAL = Office of Administrative Law
 octaBDE = Octabromodiphenyl ether
 ODS = Ozone depleting substances
 OEHA = Office of Environmental Health and Hazard Assessment
 OEPA = Ohio Environmental Protection Agency
 OSHA = Occupational Health and Safety Administration
 PALS = Plantwide applicability limits
 Pentabromodiphenyl ether
 PeCB = Pentachlorobenzene
 PFAC = Perfluoroalkyl carboxylates
 PFAS = Perfluoroalkyl sulfonates
 PFOS = Perfluorooctane sulfonate
 PM = Particulate matter
 POP = Persistent organic pollutant
 PSD = Prevention of significant deterioration
 PSDI = Presence-sensing-device initiation
 psia = Pounds per square inch absolute
 PSM = Process safety management
 RACT = Reasonably available control technology
 RCRA = Resource Conservation and Recovery Act
 RIN = Regulatory Identification Number
 RRAC PC = Principal Center for Regulatory Risk Analysis and Communication
 SARA = Superfund Amendments and Reauthorization Act
 SCCP = Short-chained chlorinated paraffins
 SERC = State Emergency Response Commission
 SIP = State Implementation Plan
 SMS4 = Small municipal separate storm sewer system
 SNUR = Significant new use rule
 SSP = Space Shuttle Program
 TAC = Texas Administrative Code
 TCEQ = Texas Commission on Environmental Quality
 TPDES = Texas Pollutant Discharge Elimination System
 TRI = Toxics Release Inventory
 TSCA = Toxic Substances Control Act
 U.S. = United States
 UST = Underground storage tank
 VOC = Volatile organic compound
 YFFP = Yuba Feather Flood Protection Program

1.0 U.S. Federal Regulatory Review

1.1 Federal Register Summary

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed-2007-99	CAA Ambient Air Monitoring	06/12/2007	72 FR 32193	Direct Final Rule	<p>Ambient Air Monitoring Regulations: Correcting and Other Amendments [40 CFR Parts 53 and 58]</p> <p>Amends the Ambient Air Monitoring Regulations for criteria pollutants, finalized 10/17/2006 (71 FR 61235), to correct errors, to improve clarity and consistency, and to make other administrative changes. Effective on 09/10/2007. Comments are due 07/12/2007 [RIN 2060-AO06].</p>	
Fed-2007-100	CAA NAAQS	06/08/2007	72 FR 31727	Notice	<p>Phase 2 of the Final Rule To Implement the 8-Hour Ozone National Ambient Air Quality Standard--Notice of Reconsideration [40 CFR Part 51]</p> <p>Final notice of reconsideration for several aspects of Phase 2 of the final rule to implement the 8-hour ozone NAAQS (70 FR 71611, 11/29/2005). Relates to NOx RACT for EGUs in CAIR states and to major source New Source Review criteria for Emission Reduction Credits from shutdowns and curtailments. Changes the deadline for states in the CAIR region to submit EGU NOx.</p> <p>RACT State Implementation Plans for Subpart 2 ozone nonattainment areas are classified as moderate and above. Also modifies the guidance on the issue of NOx RACT for EGUs in CAIR states. Effective on 07/09/2007 [RIN 2060-AO00].</p>	
Fed-2007-101	CAA NSPS--Steam Generating Units	06/13/2007	72 FR 32709	Final Rule	<p>Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction Is Commenced After 08/17/1971; Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After 09/18/1978; Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units; and Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units [40 CFR Part 60]</p> <p>Amends the NSPS for electric utility steam generating units and industrial-commercial-institutional steam generating units. Amendments will complete the following:</p> <ul style="list-style-type: none"> ▪ Add compliance alternatives for owners and operators of certain affected sources ▪ Revise certain recordkeeping and reporting requirements ▪ Correct technical and editorial errors ▪ Update the grammatical style of the four subparts to be more consistent across all of the subparts <p>Effective on 06/13/2007 [RIN 2060-AN97].</p>	
Fed-2007-102	CAA PSD Increments	06/06/2007	72 FR 31371	Proposed Rule	<p>Prevention of Significant Deterioration New Source Review: Refinement of Increment Modeling Procedures [40 CFR Parts 51 and 52]</p> <p>Proposes to refine several aspects of this calculation method that may be used to determine compliance with PSD increments during preconstruction review and permitting of new and modified major stationary sources of air pollution located in attainment or "unclassifiable" areas. PSD increments specify the maximum extent to which the ambient concentration of certain pollutants may be allowed to increase above the legally defined baseline concentration in an area with clean air. Comments are due 08/06/2007 [RIN 2060-AO02].</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed-2007-103	CAA PSD/NSR Pollution Control Projects and Clean Unit Provisions	06/13/2007	72 FR 32526	Final Rule	<p>PSD and Nonattainment NSR: Removal of Vacated Elements [40 CFR Parts 51 and 52]</p> <p>Amends regulations to eliminate the PCP and CU provisions included in the final rule, "PSD and Nonattainment NSR: Baseline Emissions Determination, Actual-to-future-actual Methodology, Plantwide Applicability Limitations, Clean Units, Pollution Control Projects" (12/31/2002, 67 FR 80185).</p> <p>Conforms the regulations to the decision by the U.S. Court of Appeals for the D.C. Circuit, New York v. EPA, 413 F.3d 3 (D.C. Cir. 2005), vacating the PCP and CU provisions. Effective on 06/13/2007.</p>	
Fed-2007-104	Chemical Use Stockholm Convention on Persistent Organic Pollutants	06/04/2007	72 FR 30796	Notice	<p>Review of Draft Risk Management Evaluations and Risk Profiles for Chemicals Proposed for Addition under the Stockholm Convention on Persistent Organic Pollutants</p> <p>Requests comments on draft risk management evaluations and draft risk profiles being developed pursuant to the Stockholm Convention on POPs for certain chemicals that are being reviewed for possible addition to the Stockholm Convention's Annexes A, B, and C. Draft risk management evaluations are being developed for the following chemicals:</p> <ul style="list-style-type: none"> ▪ Chlordecone (CAS No. 143-50-0) ▪ HBB (CAS No. 36355-01-8) ▪ Lindane (CAS No. 58-89-9) ▪ PeBDE (CAS No. 32534-81-9) ▪ PFOS <p>Draft risk profiles are being developed for the following chemicals:</p> <ul style="list-style-type: none"> ▪ Alpha-HCH (CAS No. 319-84-6) ▪ Beta-HCH (CAS No. 319-85-7) ▪ Commercial octaBDE (CAS No. 32536-52-0) ▪ PeCB (CAS No. 608-93-5) ▪ SCCP (CAS No. 85535-84-8) 	NASA Programs should note that this list contains PFOSs and flame retardants that have already been identified as potential obsolescence risks; other listed materials may also be of interest.
Fed-2007-105	CWA Wetlands	06/08/2007	72 FR 31824	Notice of Availability	<p>COE; EPA</p> <p>EPA and U.S. Army Corps of Engineers' Guidance Regarding Clean Water Act Jurisdiction after Rapanos</p> <p>Issues guidance regarding CWA jurisdiction following the U.S. Supreme Court's decision in the consolidated cases Rapanos v. United States and Carabell v. United States ("Rapanos"). In the Rapanos case, the Court addressed where the federal government can apply the CWA, specifically by determining whether a wetland or tributary is a "water of the United States." Purpose of guidance is to ensure nationwide predictability, reliability, and consistency in identifying wetlands, streams, and rivers subject to the CWA. Discusses the protection of three classes of waters through the following actions:</p> <ul style="list-style-type: none"> ▪ Continuing to regulate "traditionally navigable waters," including all rivers and other waters that are large enough to be used by boats that transport commerce and any wetlands adjacent to such waters ▪ Continuing to regulate "non-navigable tributaries that are relatively permanent and wetlands that are physically connected to these tributaries" ▪ Continuing to regulate based on case-by-case determinations for other tributaries and adjacent wetlands that have certain characteristics that significantly affect traditionally navigable waters. <p>Effective on 06/08/2007. Comments are due 12/05/2007.</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed-2007-106	Eagle Act Definition of "Disturb"	06/05/2007	72 FR 31131	Final Rule	<p>Fish and Wildlife Service, Interior</p> <p>Protection of Eagles; Definition of "Disturb" [50 CFR Part 22]</p> <p>Codifies a definition of "disturb" under the Eagle Act. The Eagle Act prohibits unregulated take of bald and golden eagles and provides a statutory definition of "take" that includes "disturb." The following definition of "disturb" will be codified in regulations at 50 CFR 22.3:</p> <ul style="list-style-type: none"> ▪ "Disturb means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available: — injury to an eagle, — a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or — nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior." <p>The final definition does not broaden the protections provided by the Eagle Act, but merely clarifies the meaning of the protection that exists. Effective on 07/05/2007 [RIN 1018-AT94].</p>	
Fed-2007-107	Eagle Act Definition of "Disturb"—Final Environmental Assessment	06/05/2007	72 FR 31156	Notice of Availability	<p>Fish and Wildlife Service, Interior</p> <p>Protection of Eagles; Definition of "Disturb"</p> <p>Announces the availability of a Final Environmental Assessment evaluating the possible effects of defining "disturb" under the Bald and Golden Eagle Protection Act (Eagle Act), and a Finding of No Significant Impact for the preferred alternative. The Final Environmental Assessment can be found on the US Fish and Wildlife Service Division of Migratory Bird Management website [RIN 1018-AT94].</p>	
Fed-2007-108	Eagle Act Eagle Take Authorizations	06/05/2007	72 FR 31141	Proposed Rule	<p>Fish and Wildlife Service, Interior</p> <p>Authorizations Under the Bald and Golden Eagle Protection Act for Take of Eagles [50 CFR Parts 13 and 22]</p> <p>Proposes new permit regulations to authorize the take of bald and golden eagles under the Eagle Act in anticipation of possible delisting of the bald eagle from the List of Threatened and Endangered Wildlife. Proposes regulatory provisions to provide take authorization under the Eagle Act to Endangered Species Act Section 10 permittees who continue to operate in full compliance with the terms and conditions of their existing permits. Would also establish permit provisions for intentional take of eagle nests in rare cases where their location poses a risk to human safety or to the eagles themselves. Comments are due 09/04/2007 [RIN 1018-AV11].</p>	
Fed-2007-109	Eagle Act National Bald Eagle Management Guidelines	06/05/2007	72 FR 31156	Notice of Availability	<p>Fish and Wildlife Service, Interior</p> <p>National Bald Eagle Management Guidelines</p> <p>Announces that National Bald Eagle Management Guidelines are available. The guidelines provide a roadmap for landowners seeking to protect eagles while conducting activities on their property and are intended to help landowners avoid violating the Eagle Act.</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed-2007-110	Federal Property Management Regulation Disposition of Property	05/07/2007	72 FR 25723	Proposed Rule	Office of Government-wide Policy, General Services Administration Federal Management Regulation; FPMR Case 2003-101-1; FMR Case 2003-102-4, Disposition of Personal Property with Special Handling Requirements [41 CFR Parts 101-42, 101-45, and 102-40] Proposes to amend the FPMR by revising coverage on the hazardous and certain categories of personal property and moving it into the FMR addressing all types of property requiring special handling. Adds a cross-reference to direct readers to the coverage in the FMR. Subject matter of the sections addressed includes the following: <ul style="list-style-type: none"> ▪ Disposal of items requiring demilitarization ▪ Handling of property reported to GSA so as to preserve civilian utility as far as possible ▪ Disposal of gold as a precious metal ▪ Disposal of ATVs [RIN 3090-AH21].	NASA Programs and Centers should note that changes may affect procedures related to handling certain types of personal property.
Fed-2007-111	IRIS Bromobenzene	06/14/2007	72 FR 32847	Notice	Draft Toxicological Review of Bromobenzene: In Support of the Summary Information in the IRIS Notice of public comment and external peer external peer-review workshop to review the external review draft document titled, " Toxicological Review of Bromobenzene: In Support of Summary Information on the Integrated Risk Information System (IRIS) ". Comments are due 08/14/2007.	
Fed-2007-112	Oil Pollution Act All Appropriate Inquiry	06/12/2007	72 FR 32232	Proposed Rule	Coast Guard, Department of Homeland Security Landowner Defenses to Liability Under the Oil Pollution Act of 1990: Standards and Practices for Conducting All Appropriate Inquiries [33 CFR Part 137] Proposes to establish standards and practices concerning the "all appropriate inquiries" element of a defense to liability of an owner or operator of a facility that is the source of a discharge or substantial threat of discharge of oil into the navigable waters or adjoining shorelines or the exclusive economic zone. To be entitled to the defense, those persons must show, among other elements not addressed in this rulemaking, that, before acquiring the real property on which the facility is located, they had made all appropriate inquiries into its previous ownership and uses to determine the presence or likely presence of oil. Comments are due 09/10/2007 [RIN 1625-AB09].	
Fed-2007-113	OSHA Hazardous Chemicals PSM	06/07/2007	72 FR 31453	Notice	Occupational Safety and Health Administration Interpretation of OSHA's Standard for Process Safety Management of Highly Hazardous Chemicals [29 CFR Part 1910] Interpretation and explanation of the phrase "on site in one location" in the "Application" section of OSHA's Process Safety Management of Highly Hazardous Chemicals standard. Interprets this term to mean that the standard applies when a threshold quantity of a highly hazardous chemical (HHC) exists within contiguous areas under the control of an employer, or group of affiliated employers, in any group of vessels that are interconnected, or in separate vessels that are located in such proximity that the HHC could be involved in a potential catastrophic release, as indicated in the regulatory definition of "process". Effective on 06/07/2007.	NASA Centers that are subject to PSM standards should be aware of this guidance.
Fed-2007-114	OSHA Mechanical Power Presses	06/04/2007	72 FR 30729	Notice	OSHA Power Presses [29 CFR Part 1910] Seeks comments on whether and how the mechanical power presses standard should be amended, including whether the requirements pertaining to the use of PSDI systems should be revised and whether the scope of the standard should be expanded to cover other types of presses. Comments are due 08/03/2007 [RIN 1218-AC22].	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed-2007-115	RCRA Hazardous Waste Comparable Fuels Exclusion	06/15/2007	72 FR 33283	Proposed Rule	Expansion of RCRA Comparable Fuel Exclusion [40 CFR Part 261] Proposes to allow certain manufacturing waste to be safely burned for energy recovery in industrial boilers. Would expand the RCRA Hazardous Waste Comparable Fuels Exclusion to encompass a new category of liquid hazardous waste-derived fuel known as ECF. ECF is produced from a hazardous waste, but generates emissions when burned in an industrial boiler that are comparable to those from burning fuel oil. ECF would be subject to the same regulations that currently apply under the Comparable Fuels Exclusion, but would be exempt from the specifications for certain hydrocarbons and oxygenates. Would have to meet certain storage and burner conditions. Comments are due 08/14/2007 [RIN 2050-AG24].	
Fed-2007-116	SARA Toxicological Profiles	06/13/2007	72 FR 32669	Notice	Agency for Toxic Substances and Disease Registry Development of Set 21 Toxicological Profiles Announces the development of one new and six updated toxicological profiles of priority hazardous substances. The following toxicological profiles are now being developed: <ul style="list-style-type: none"> ▪ Boron (CAS No. 7440-42-8), revised profile ▪ Chlorine (CAS No. 7782-50-5), new profile ▪ 1,4-Dioxane (CAS No. 123-91-1), revised profile ▪ Ethyl Benzene (CAS No. 100-41-4), revised profile ▪ Ethylene Glycol (CAS No. 107-21-1), revised profile ▪ Plutonium (CAS No. 7440-07-5), revised profile ▪ Styrene (CAS No. 100-42-5), revised profile Notice of availability of these draft profiles will be published in the FR on or about 10/17/2007.	
Fed-2007-117	TSCA Lead Renovation, Repair, and Painting	06/05/2007	72 FR 31022	Proposed Rule	Lead; Renovation, Repair, and Painting Program [40 CFR Part 745] Proposes to add child-occupied facilities to the buildings covered by the 2006 proposed requirements (71 FR 1587) to reduce exposure to lead hazards created by renovation, repair, and painting activities that disturb lead-based paint in target housing. A child-occupied facility would be defined as a building, or a portion of a building, constructed prior to 1978, visited regularly by the same child, under 6 years of age, on at least two different days within any week (Sunday through Saturday period), provided that : <ul style="list-style-type: none"> ▪ Each day's visit lasts at least 3 hours ▪ The combined weekly visits last at least 6 hours ▪ The combined annual visits last at least 60 hours Comments are due 07/05/2007 [RIN 2070-AC83].	

1.2 Status of Selected Continuing Actions in Progress

This section illustrates the status of selected actions the RRAC PC is actively tracking. Imminent actions are shown in red text. Questions about any of these actions or suggestions for additions to this list should be directed to Sharon Scroggins/MSFC.

Significant Dates	Subject Action [RIN]	Type of Action	Comments
NPRM 08/2007 Final Action 08/2008	NESHAP: Defense Land Systems and Miscellaneous Equipment [2060-AM84]	Pre-rule	Possible impact to Ground Operations. Will cover surface cleaning, preparation, coating, and stripping operations on non-flight hardware at some NASA facilities. Could affect launch pads and GSE.

Significant Dates		Subject Action [RIN]	Type of Action	Comments
NPRM	09/2007	ODS: Continued Use of ODS in Mission-Critical Applications	Pre-rule	Space vehicle operational impacts.
Final Action	01/2009			NASA is currently in discussions with EPA regarding options to enable future use of relatively small quantities of ODS for mission-critical applications. Latest discussions suggest that future production of ODSs will require the certified destruction of other, existing ODSs (contaminated, etc.) with an offset of approximately 15 percent.
ANPRM	03/29/2007	NESHAP: Risk and Technology Review, Phase II [2060-AN85]	Pre-rule	Possible space vehicle operational or materials impacts.
NPRM	08/2007			Evaluation of residual risk remaining after implementation of numerous NESHAPs, including those regulating the Aerospace and Chrome Electroplating source categories. This rulemaking represents a relatively low risk of EPA imposing limits on HAP and VOC levels contained in coatings, cleaning solvents, and other materials used on flight hardware. Potential further restrictions on the chrome electroplating or other source categories also could affect vendor facilities.
Final Action	06/2009			
NPRM	06/2007	Area Sources: Surface Coating and Paint Stripping [2060-AN21]	Pre-rule	Possible space vehicle operational or materials impacts.
Final Action	12/2007			EPA has merged three area source categories into one standard: Autobody Refinishing; Plastic Parts and Products Surface Coating; and Paint Stripping. The resulting standard will regulate certain surface coating, cleaning and paint stripping operations at area sources of HAPs, potentially including some space vehicle operations. For NASA, KSC and MSFC are major sources of HAPs. Other NASA Centers that have HAP emissions would be considered as area sources.
NPRM	01/03/2007	NESHAP General Provisions—Once In, Always In [2060-AM75]	Proposed Rule	Possible impacts to facilities, including space flight support facilities.
Final Action	12/2007			KSC and MSFC currently are major sources of HAPs; MAF recently attained “synthetic minor” status. As proposed, this rule potentially could allow MAF to be considered an area source, no longer subject to any NESHAP requirements for major sources. However, this rule also will require any facility switching from major source to area source status to comply with any applicable area source regulations.
NPRM	03/07/2006	SNUR: Perfluorinated Polymers [2070-AD58]	Proposed Rule	Possible space vehicle materials impacts.
Final Action	01/2008			Rule would require manufacturers to notify EPA of any new materials or significant uses of perfluorinated polymers including those containing PFASs; PFACs; fluorotelomers; or perfluoroalkyl moieties that are covalently bound to a carbon or a sulfur atom where the carbon or sulfur atom is an integral part of the polymer molecule.
NPRM	03/10/2006	SNUR: Perfluoroalkyl Sulfonates [2070-AJ18]	Proposed Rule	Possible space vehicle materials impacts.
Final Action	05/2007			Rule would limit or eliminate uses of PFAS, a family of chemicals used as additives, waterproofing agents, etc. The rule effectively would allow the use of PFAS chemicals only as components of aviation hydraulic fluids; photoresist substances; anti-reflective coatings; coatings for surface tension, static discharge, and adhesion control related to imaging applications; or as a chemical intermediate. SSP Orbiter tile waterproofing materials previously incorporated a PFAS additive, but have been replaced. It is unknown whether regulating additional PFAS-related chemicals would affect other operational materials.
NPRM	08/11/2006	DEA: Iodine [1117-AA93]	Proposed Rule	Possible space vehicle materials impacts.
Final Action	06/2007			The DEA is proposing to change the way iodine and its mixtures are regulated due to its uses related to illicit drug manufacturing. The rule would require additional controls and facility licensing for purchase, transport, and storage of iodine and mixtures containing more than 2.2 percent iodine. The space suits and International Space Station use such products for water disinfection and could have supply chain impacts in the future.

1.3 Discussion of Significant Actions and Other Developments

1.3.1 EPA Releases Web-Based Reporting Tool for EPCRA Form R Reporting

On 4 June 2007, EPA released TRI-MEweb, the new web-based reporting application for TRI Form R reporting under the EPCRA. Facilities in Colorado, Delaware, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Oklahoma, Oregon, South Carolina, Utah, Virginia, and Washington are eligible to use TRI-MEweb if they have reported TRI releases in previous years. Facilities within those 14 states that are submitting reports for the first time and facilities outside the 14 states are not eligible to use TRI-MEweb for reporting year 2006 and should continue to report using the desktop version of

the TRI-ME reporting software. Further information is available at:
<http://www.epa.gov/tri/report/software/>.

1.3.2 Boiler MACT Standard Vacated by U.S. Court of Appeals

On 8 June 2007, a U.S. Court of Appeals for the District of Columbia Circuit vacated the National Emission Standards for Industrial/Commercial/Institutional Boilers and Process Heaters, sometimes called the “Boiler MACT Standard” ([Natural Resources Defense Council v. EPA, D.C. Cir., No. 04-1385, 06/08/07](#)). The decision by a three-judge panel said that EPA had wrongly excluded many industrial boilers from the definition of solid waste incinerators, which have more stringent emissions limits under Section 129 of the CAA. The decision said that EPA must rewrite the definition of solid waste incinerators to include industrial boilers that burn waste. Because this definition change also will require major changes to the industrial boiler provisions, the court vacated the entire rule, originally promulgated in September 2004.

1.4 Clean Air Act Working Group Updates

1.4.1 Clean Air Act Working Group Telecons for 2007

The Clean Air Act Working Group will hold telecons on the following Wednesdays in 2007 at 2 p.m. ET, 1 p.m. CT, 12 p.m. MT, and 11 a.m. PT:

- 18 July 2007
- 15 August 2007
- 19 September 2007
- 17 October 2007
- 14 November 2007
- 19 December 2007

2.0 State Regulatory Reviews

The following sections provide details of regulatory actions reviewed for states in which NASA facilities are located. The RRAC PC lists regulatory items for each state as they are identified. Note that the length of time between state regulations being “published” and being made available electronically to the public can vary. This lag time may occasionally result in items being listed in summary cycles subsequent to their original “publication” date.

2.1 Alabama State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Alabama.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
AL-2007-12	Water Quality	6/5/07	Water Division Rule 335-6	Final Rule	335-6-10-.07 Toxic Pollutant Criteria Applicable To State Waters Changes to Rule 335-6-10-.07 to amend the hardness-dependent equations for metals. A conversion factor converts the total recoverable value to a criterion expressed as the dissolved fraction in the water column.	NASA facilities and programs may wish to review for applicability.

2.2 California State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in California.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA-2007-36	Air ARB Public Meeting	06/15/2007	Website	Notice	Air Resources Board The Board will hold a public meeting. Topics of potential interest to the NASA facilities include: <ul style="list-style-type: none"> Update on IPCC 4th Assessment Report Summary for Policymakers List of Proposed Early Actions Measures to Reduce Greenhouse Gas Emissions under the California Global Warming Solutions Act of 2006 Proposed Amendments to the Emission Control and Smog Index Labels Regulations Regulations for the Certification and Testing of Gasoline Vapor Recovery Systems Using Aboveground Storage Tanks Consider Approval of Proposed State Strategy for the California State Implementation Plan for the Federal 8-Hour Ozone and PM2.5 Standards The meeting is scheduled for 6/21-22/2007 at: Los Angeles Airport Marriott Hotel, 5855 West Century Blvd. Los Angeles, California	
CA-2007-37	Air	05/29/2007	17 CCR Division 3, Chapter 1	Rule Update	Air Resources Board Updates to Sections 60053, 60055.25, 60060.25, 60065.26, 80145, 90704, 93108.5, 93111, 93115, 93116.3, 94005, 94508, 94510, 94521, 94522, 94549, 94550, 94552, and 94562.	
CA-2007-38	Air South Coast Air Quality Management District	05/04/2007	AQMD Rule Book- Regulation 3	Rule Update	South Coast Air Quality Management District Amendments to update the following rules: <ul style="list-style-type: none"> 301–Permit Fees; 303–Hearing Board Fees; 304–Equipment, Materials, and Ambient Air Analyses; 304-1–Analyses Fees; 306–Plan Fees; 307-1–Alternative Fees for Air Toxics Emissions Inventory; 308–On-Road Motor Vehicle Mitigation Options Fees; 309–Fees for Regulation XVI ;Plans 311–AQIP Fees; and 313–Authority to Adjust Fees and Due Dates 	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA-2007-39	Air Motor Vehicles	06/01/2007	California Regulatory Notice Register, No. 22z-2007, page 973	Amendments; Repeal	<p>Air Resources Board</p> <p>Chip Reflash</p> <p>Pursuant to legal action through the Sacramento Superior Court, ARB has made the following changes to 13 CCR-Motor Vehicles:</p> <ul style="list-style-type: none"> Chapter 1 <ul style="list-style-type: none"> Repealed Section 2011, Software Upgrade for 1993 through 1998 Model Year Heavy-Duty Trucks Chapter 3 <ul style="list-style-type: none"> Updated the Heavy-Duty Diesel Smoke Emission Testing, and Heavy-Duty Vehicle Emission Control System Inspections regulations, specifically Sections 2180.1, 2181, 2184, 2185, and 2186. Updated the Periodic Smoke Inspections of Heavy-Duty Diesel-Powered Vehicles regulations, specifically Section 2192: Vehicle Inspection Requirements, and Section 2194: Record-keeping Requirements. 	
CA-2007-40	Endangered Species	06/01/2007	California Regulatory Notice Register, No. 22z-2007, page 950	Notice	<p>Fish and Game Commission</p> <p>Petition to Delist American Peregrine Falcon [Fish and Game Code Section 2073]</p> <p>The Commission has been petitioned to remove the American Peregrine Falcon (<i>Falco peregrinus anatum</i>) from the Endangered Species List. The Department of Fish and Game is reviewing the petition and will provide its evaluation and recommendation at the Commission's meeting, scheduled for 10/11/2007.</p>	
CA-2007-41	Hazardous Materials Proposition 65	06/01/2007	California Regulatory Notice Register, No. 22z-2007, page 950	Notice	<p>OEHHA</p> <p>Addition of Chemical Known to the State of California to Cause Cancer</p> <p>OEHHA of the California Environmental Protection Agency is adding <i>iprotalcarb</i> (CAS Nos. 140923-17-7 and 140923-25-7) to the list of chemicals known to the state to cause cancer. Click here for the documentation supporting OEHHA's determination that the criteria for administrative listing have been satisfied for this chemical. The priority status for the analysis of dose-response data to establish the NSRL will be announced in a future OEHHA Proposition 65 Status Report for Safe Harbor Levels. Effective 06/01/2007.</p>	
CA-2007-42	Hazardous Materials Proposition 65	06/01/2007	California Regulatory Notice Register, No. 22z-2007, page 951	Notice	<p>OEHHA</p> <p>Chemicals Known to the State to Cause Cancer or Reproductive Toxicity</p> <p>Annual update of list of chemicals known to the state to cause cancer or reproductive toxicity, as required by the Safe Drinking Water and Toxic Enforcement Act of 1986. Chemicals that are underlined in the publication are newly added; chemicals shown with a strikethrough have been removed.</p>	
CA-2007-43	Occupational Safety	06/08/2007	8 CCR 5001	Rule Amendment	<p>Occupational Safety and Health Standards Board</p> <p>Cranes and Other Hoisting Equipment-Signals</p> <p>Amended to require employers to ensure "effective communication" between crane operators and signal persons when more than one crane is in use. Added a provision requiring that when two-way radios are used, a dedicated frequency is required between the operators. Effective on 06/22/2007.</p>	
CA-2007-44	Water	06/01/2007	California Regulatory Notice Register, No. 22z-2007, page 973	Rule Amendment	<p>Department of Water Resources</p> <p>YFFPP Feasibility, Design, and Implementation Funding</p> <p>This certificate of compliance makes permanent the adoption and amendment of emergency regulations (OAL File No. 06-1229-01E) for the YFFPP concerning the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act of 2000, expanding the activities that may be funded through grants.</p>	

2.3 Florida State Regulatory Review

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL-2007-48	Environmental Regulation Commission Meeting	06/15/2007	FAW Notice #4249102	Notice Meeting	Chapter 62–FDEP A regularly scheduled meeting of the Environmental Regulation Commission will be held for the purpose of rule adoptions and briefings. The agenda will be available before the meeting at: http://www.dep.state.fl.us/legal/ERC/ . The meeting is scheduled for 06/28/2007 at the FDEP, 3900 Commonwealth Blvd., Conference Room A, Tallahassee, Florida.	
FL-2007-49	Water Environmental Resource Permits	06/15/2007	FAW Notice #4256280 , #4256474 , #4256668 , #4257250	Final Rule	Chapter 62–FDEP 341–Noticed General Environmental Resource Permits Provides noticed general environmental resource permits for activities with minimal impacts to water resources. Addresses minor activities, and environmental restoration or enhancement under a general permit, and provides for changing the operating schedules for existing water control structures that are owned or operated by the FDEP or Water Management District when such changes are for environmental restoration or enhancement.	
FL-2007-50	Water	06/15/2007	FAW Notice #4254825 ,	Final Rule	Chapter 40C- FDEP 1.106–Interagency Agreements; Chapter 40C- FDEP 4.091–Publications Incorporated by Reference; Chapter 40C- FDEP 4.302–Additional Conditions for Issuance of Permits The final rule will incorporate by reference an amended operating agreement between the St. Johns River Water Management District and FDEP regarding regulatory responsibilities under Part IV, Chapter 373, F.S. The operating agreement addresses the division of responsibilities between the two agencies for permitting, compliance, enforcement, and wetland determinations.	KSC may wish to review for applicability.

2.4 Hawaii State Regulatory Review

No items of interest were identified during this reporting period for Hawaii.

2.5 Louisiana State Regulatory Review

No items of interest were identified during this reporting period for Louisiana.

2.6 Maryland State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Maryland.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
MD-2007-06	Air Gasoline and VOC Storage and Handling	06/08/2007	Maryland Register	Final Action	<p>Maryland Department of the Environment</p> <p>Control of Gasoline and Volatile Organic Compound Storage and Handling</p> <p>Finalizes amendments to Regulation 07 under COMAR 26.11.13 to add more stringent provisions governing fuel containers; to establish new performance standards, labeling, and testing requirements; and to expand the definition of portable fuel containers. Owners of portable fuel containers or spouts purchased before the 07/01/2007 implementation date are not required to purchase or replace them with newer compliant fuel containers. Effective on 06/18/2007.</p>	
MD-2007-07	Air VOCs from Consumer Products	06/08/2007	Maryland Register	Final Action	<p>Maryland Department of the Environment</p> <p>Control of Emissions of VOCs from Consumer Products</p> <p>Finalizes amendments to COMAR 26.11.32 by incorporating changes made by the CARB in July 2005. The amendments directly affect manufacturers and suppliers of regulated consumer products. Products manufactured before the compliance date of 01/01/2009 will not be subject to standards as long as manufacture date is on the container or package. The amendments establish new concentration limits (as % VOC by weight) for the following:</p> <ul style="list-style-type: none"> ▪ 14 new categories ▪ 1 previously regulated category with a more restrictive VOC limit ▪ 2 previously regulated categories with additional requirements <p>Effective on 06/18/2007.</p>	

2.7 Mississippi State Regulatory Review

No items of interest were identified during this reporting period for Mississippi.

2.8 New Mexico State Regulatory Review

This summary includes items that were reviewed for potential impact to NASA Centers and Programs in New Mexico.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
NM-2007-11	Water NPDES	06/13/2007	72 FR 32654	Notice	<p>EPA</p> <p>Final NPDES General Permits for sMS4s in New Mexico, Indian Country Lands in New Mexico and Indian Country Lands in Oklahoma; Minor Revisions and Corrections.</p> <p>Finalizes the NPDES General Permits for sMS4s in New Mexico, Indian Country Lands in New Mexico and Indian Country Lands in Oklahoma. The final sMS4 general permits cover storm water discharges from sMS4s meeting the definition of a "small municipal separate storm sewer system" in 40 CFR 122.26(b)(16) and any designated source under 40 CFR 122.32(a)(1) or 40 CFR 122.32(a)(2). Also revises significant dates as follows:</p> <ul style="list-style-type: none"> 07/01/2007 Effective date for the general permits 10/01/2007 Notice of Intent deadline 06/30/2012 Expiration date of the permits 	NASA/WSTF should be aware of the updated permit notice.

2.9 Ohio State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Ohio.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH-2007-39	EPCRA Reporting Requirements	06/07/2007	OAC 3750-1-02 and 3750-25-01	Final Rule	<p>Final Adoption of OAC Rules 3750-1-02 and 3750-25-01</p> <p>On behalf of the SERC, OEPA is adopting amended OAC rules 3750-1-02, "Purpose," and 3750-25-01, "Facilities subject to emergency release notification requirements." These rules are related to the implementation and enforcement of the federal EPCRA in the State of Ohio. The amendments to Rule 3750-1-02 were suggested as part of the required 5-year rule review. Suggested amendments to Rule 3750-25-01 incorporate changes in the federal rules in 40 CFR 302.6 and 355.40. Effective on 06/18/2007.</p> <p>These rules were amended to change the language to correct minor typos and fulfill the requirements for items incorporated by reference. In addition, Rule 3750-25-01 was revised for consistency with federal EPCRA regulations.</p>	NASA facilities should consider reviewing for applicability.
OH-2007-40	Waste Hazardous Waste	06/06/2007	72 FR 31237	Proposed Rule	<p>Final Authorization of State Hazardous Waste Management Program Revision</p> <p>Ohio has applied to EPA for final authorization of the changes to its hazardous waste program under RCRA. EPA has reviewed Ohio's application and has preliminarily determined that these changes satisfy all requirements needed to qualify for final authorization, and is proposing to authorize the state's changes. Comments are due 07/06/2007.</p> <p>If adopted, facilities in Ohio subject to RCRA will now have to comply with the authorized state requirements instead of the equivalent federal requirements to comply with RCRA.</p>	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH-2007-41	Water Water Quality	06/04/2007		Notice	Update to OEPA's Water Quality Monitoring page The Water Quality Monitoring page is updated with links to information on the watersheds being monitored in 2007. The pages include general monitoring information and the study plans, preliminary information, and contacts for each of the 2007 study areas.	

2.10 Texas State Regulatory Reviews

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Texas. Citations of the *Texas Register* are linked within the text to the corresponding entry in the version of the *Texas Register* published in HTML file format. Current and historical versions of the *Texas Register* in HTML and Adobe Acrobat (.pdf) file format can be downloaded from the [Texas Register section of the Texas Secretary of State website](#).

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX-2007-20	Air Houston-Galveston-Brazoria SIP Low Emission Fuels–Marine Vessels	06/08/2007	32 TexReg 3173	Adopted Rules	Control of Air Pollution from Motor Vehicles–Houston-Galveston-Brazoria (HGB) Ozone Nonattainment Area–Revision of Definition of Diesel Fuel [30 TAC 114.6 and 114.319] Adopts a revision to the definition of diesel fuel in §114.6(7) and §114.319 concerning and compliance dates as they are used in Subchapter H (relating to Low Emission Fuels) for counties in the HGB Ozone Nonattainment Area. Requires that any fuel that is commonly or commercially known, sold, or represented as DMX, DMA, or MGO that may ultimately be used to power a diesel-fueled, compression-ignition engine located on a marine vessel in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller counties meet the low emission diesel fuel requirements. The grades of marine fuel that are included in this adoption are normally only used by harbor craft vessels (crew and supply boats, charter fishing vessels, commercial fishing vessels, ferry or excursion vessels, pilot vessels, towboats or push boats, tug boats, and work boats). Ocean-going vessels will not be included in these regulations because they typically use heavier marine residual fuels. Effective on 06/14/2007.	
TX-2007-21	Texas Clean Air Act Control of Air Pollution from Nitrogen Compounds	06/08/2007	32 TexReg 3206	Adopted Rules	Control of Air Pollution from Nitrogen Compounds [30 TAC 117] Repeals 30 TAC Chapter 117 in its entirety and adopts a new reformatted Chapter 117. Retains current 1-hour ozone rules for all ozone attainment and nonattainment areas of the state. Also includes new rules for the Dallas-Fort Worth 8-hour nonattainment area. Effective on 06/14/2007.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX-2007-22	Texas Clean Air Act Houston-Galveston-Brazoria SIP VOC Emissions from Storage Tanks and Transport Vessels	06/08/2007	32 Tex Reg 3178	Adopted Rules	Control of Air Pollution from VOCs–HGB 8-hour Ozone Nonattainment Area–Storage Tanks and Transport Vessels [30 TAC 115 Subparts A, B and F] Subjects owners or operators of VOC storage tanks, transport vessels, and marine vessels located in the HGB 8-hour ozone nonattainment area to more stringent control, monitoring, testing, recordkeeping, and reporting requirements beginning 01/01/2009. Control requirements are based on the type of liquid and the volume of the tank or vessel. One or more of the following types of control systems may be required: <ul style="list-style-type: none"> ▪ Submerged fill pipe ▪ Vapor recovery system ▪ Internal or external floating roof ▪ Internal or external floating roof with primary and secondary seal Degassing control requirements will apply to the following types of storage tanks: <ul style="list-style-type: none"> ▪ Storage tanks with a nominal capacity \geq 75,000 gallons storing materials with a true vapor pressure \geq 2.6 psia ▪ Storage tanks with a nominal capacity \geq 250,000 gallons storing material with a true vapor pressure of \geq 0.5 psia The current rule mandates degassing controls only to storage tanks with a nominal capacity of 1 million gallons or more. Effective on 06/14/2007.	
TX-2007-23	Underground Pipelines Excavation Notice	06/15/2007	32 TexReg 3545	Adopted Rules	Texas Railroad Commission Underground Pipeline Damage Prevention [16 TAC 18.1-18.12] Adopts new rules that apply to the movement of earth (more than 16 inches in depth) in the vicinity of an intrastate underground pipeline containing flammable, toxic, or corrosive gas, a hazardous liquid, or carbon dioxide. Includes requirements for providing notice before excavation, excavation marking, excavation management, and reporting. Effective on 09/01/2007.	

2.10.1 Houston Area Clean Air Rules Amended

TCEQ recently adopted amendments to the SIP and clean air rules for the HGB area implementing more stringent emissions controls to improve air quality (see table above). Because the HGB area is classified as a moderate nonattainment area for the 8-hour ozone NAAQS, the area is required to reach attainment by June 2010. The HGB portion of the SIP modeling forecasts that the area will not meet the attainment goal by the deadline, even if the Houston Ship Channel industrial area were to be completely shut down. Therefore, the state is submitting a plan showing the rate of progress toward attainment and new emission control requirements for VOC sources in the HGB area, and strategies for reducing NO_x, and other elements required by the federal CAA such as emissions inventory. The state has also requested that the HGB area's ozone designation be reclassified to severe, with an attainment date of 15 June 2019 (See [TCEQ SIP Hot Topics](#), HGB Reclassification Request).

Reaching attainment is challenging, because of a rapidly growing population and because mobile sources such as cars, pickups, trains, planes, and construction equipment, which are largely regulated by the federal government, cannot be controlled by the state. In the HGB area, 54 percent of NO_x sources are outside of state control, including mobile sources such as large marine vessels and heavy-duty vehicles.

For the HGB area, the SIP notes that tremendous progress has taken place in emissions reductions to date as a result of controls on NO_x and VOCs put into place under the previous EPA-approved SIP. From 1990 to 2003, the total reported emissions of VOC and NO_x dropped 48 percent and 43 percent,

respectively. The population exposed to 8-hour ozone exceedances was estimated to be 4.6 million in 2000 and is projected to decrease to 1.7 million in 2009, a reduction of 63 percent.

More information regarding the SIP can be found on the [TCEQ HGB SIP Web page](#).

2.11 Virginia State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Virginia.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA-2007-14	Air	06/07/2007	72 FR 31493	Proposed Rule	U.S. Environmental Protection Agency Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments to the Open Burning Regulation [40 CFR Part 52] Proposes to approve amendments revising open burning provisions in Virginia's SIP. The proposed revision expands the geographic applicability of the control measure to implement open burning seasonal restrictions as part of the state's plan to reduce VOC emissions. Comments are due 07/09/2007.	